

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

SOUTHERN COAL SALES
CORPORATION,

Plaintiff,

vs.

XCOAL ENERGY & RESOURCES,
XCOAL ENERGY & RESOURCES LLC,
and ERNIE L. THRASHER

Defendants.

Misc. Case No. _____

Relates to Action No. 7:12-cv-265 Pending
in the United States District Court for the
Western District of Virginia, Roanoke
Division

PROPOSED ORDER

For the reasons set forth in Defendants' Motion to Quash Non-Party Subpoena to Consol Energy, Inc., or, in the Alternative, for Protective Order, and the Memorandum filed in support thereof, this Court finds that Defendants' Motion should be GRANTED.

WHEREFORE it is hereby ORDERED, ADJUDGED and DECREED that the subpoena to Consol Energy, Inc. is hereby QUASHED pursuant to Federal Rule of Civil Procedure 45(c).

It is FURTHER ORDERED that, in accordance with Federal Rule of Civil Procedure 26(c), no documents containing confidential and/or proprietary information belonging either to Consol Energy, Inc. or Defendants shall be produced in response to the subpoena.

DATED this ____ day of _____, 201__.

United States District Judge